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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,171	04/29/2005	Jiri Sevcik	J337-006 US	9226

21706 7590 11/02/2006

NOTARO AND MICHALOS  
100 DUTCH HILL ROAD  
SUITE 110  
ORANGEBURG, NY 10962-2100

EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

51

<b>Office Action Summary</b>	Application No. 10/533,171	Applicant(s) SEVCIK, JIRI	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/29/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "outer mantle (10)" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 4-5, 8-10 are objected to because of the following informalities:

- A) Perhaps applicant should insert ~~-(1)~~—after “meter” in line 1, so as to make the claim language consistent through claims 1 and 9.
- B) Perhaps applicant should insert ~~—internal and outer—~~before “thermostatic apparatus” in line 11, in order to clearly describe the invention.
- C) Perhaps applicant should delete “where, in addition” in line 13 and to replace it with ~~--, wherein--~~ in order to clearly describe the invention.
- D) Perhaps applicant should replace “long-distance thermometer” in lines 5 and 8-9 with ~~—remote thermometer--~~. Is this a proper interpretation of the invention?
- E) “an electrical long distance thermometer” in lines 8-9 lacks antecedent basis.
- F) Perhaps applicant should replace the term “consisting” in line 1 with the term ~~—comprising--~~. Is this a proper interpretation of the invention?
- G) “the test gas” in line 2 lacks antecedent basis.
- H) “the electrical input” in line 14 lacks antecedent basis. Perhaps applicant should insert ~~—electrical—~~before “input” in line 12, in order to provide a proper antecedent basis.
- I) “the electric lead” in line 14 lacks antecedent basis.
- J) Perhaps applicant should delete “(101)” after “outer surface” in line 4 and insert ~~—(101)—~~after the “heating mantle” in the same line, because this numeral refers to the heating mantle not to the outer surface.
- Claims 4-5: the claim language is confusing because it is not clear what particular width units applicant means (i.e., mm, cm, meters, etc.).
- Claim 5: A) “2.0” should be spaced from the term “fold” in line 3.

Art Unit: 2859

B) "the overall cross-section of the outlets" in line 2 lacks antecedent basis.

Claim 8: "a shielding body" is not described in claim 1 which claim is limited elements described in claim by the term "consisting".

Claim 9: A) "the heating capacity" in line 4 lacks antecedent basis,

B) "the calibration gas" in line 4 lacks antecedent basis.

Claim 10: A) "the first calibration stage" in line 2 lacks antecedent basis.

B) "the memory" in line 5 lacks antecedent basis.

C) "the measuring stage" in line 6 lacks antecedent basis.

D) "the calibration gas" in line 13 lacks antecedent basis.

E) "the heating capacity" in line 13 lacks antecedent basis.

F) "the temperature at the same"... "value" in the last two lines of the claim makes the claim language confusing because it is not clear the same as what? Isn't the term "the same" in this case redundant to the term "the constant" and should be deleted? Is this a proper interpretation of the invention? Appropriate correction is required.

***Allowable Subject Matter***

3. Claims 1-11 are objected, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The claims are allowable because the prior art fail to teach a heating value meter for gases, comprising an outer mantle with thermostatically controlled heating and with at least one inlet for air and the test gas, and a measuring block placed inside the outer mantle, characterized in, that outer mantle is cylindrical, it is equipped with a heating mantle on its outer surface and its bottom part contains an outer sensor of an electrical long-

Art Unit: 2859

distance thermometer of the outer thermostatic apparatus placed axially in the wall, and a measuring block is also cylindrical with an axial through-hole, it is located coaxially inside the outer mantle and its upper part is equipped with an axially inserted internal sensor of the electrical long-distance thermometer of the internal thermostatic apparatus, while the heating mantle and the outer sensor, and also the electrical heating block and the internal sensor, are interconnected via the internal and outer thermostatic apparatus, adjusted for maintaining of a constant temperature value by regulation of the input to the electrical heating block, or of the input to the heating mantle, wherein the measuring apparatus the electrical input is connected to the electric lead to the electrical heating block, in combination with the remaining limitations of claims 1-11.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571/ 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2859

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GKV

Gail Verbitsky

Primary Patent Examiner, TC 2800



October 19, 2006